

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**MICHAEL S. PITTMAN,**

**Petitioner,**

**vs.**

**Civ. No. 16-1171 JAP/SCY**

**R. C. SMITH, et al.,**

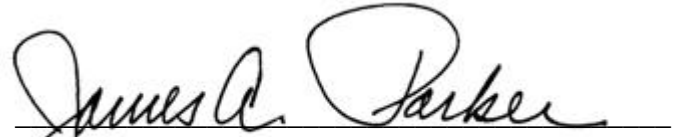
**Respondents.**

**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

**THIS MATTER** comes before the Court on United States Magistrate Judge Steven C. Yarbrough's Proposed Findings and Recommended Disposition (Doc. 16), filed November 6, 2018. In the Proposed Findings and Recommended Disposition, Magistrate Judge Yarbrough recommended that the Court deny Petitioner's Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus, filed October 24, 2016. (Doc. 1.) Judge Yarbrough notified the parties that they had fourteen days to file any objections if they wanted appellate review of the proposed findings and recommended disposition. (Doc. 16 at 9.) The parties have filed no objections to the Magistrate Judge's Proposed Findings and Recommended Disposition. Failure to timely object to a magistrate judge's proposed findings and recommended disposition waives appellate review of both factual and legal issues. *United States v. One Parcel of Real Property*, 73 F.3d 1057, 1059 (10<sup>th</sup> Cir. 1996).

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 16) are **ADOPTED**.

**IT IS FURTHER ORDERED** that Petitioner's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. 1) is **DISMISSED WITH PREJUDICE**.



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**JAMES A. PARKER**  
**UNITED STATES DISTRICT JUDGE**